

REMARKS

Applicant respectfully requests reconsideration of the application as amended.

Applicant wishes to add this paragraph specifying the Government's interest in this patent.

If there are any additional charges, please charge Deposit Account No. 02-2666.

If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact at Thomas S. Ferrill (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 5-27, 2004



Thomas S. Ferrill
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Application No.: 09/657,883

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Attorney Docket No.: 6097.P022

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Department of Energy
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

May 11, 2004

Dr. Ralph Blakemore, Project Manager
Zond Energy Systems, Inc.
13000 Jameson Road
P.O. Box 1910
Tehachapi, CA 93561

Dear Dr. Blakemore:

**SUBJECT: DOE CASE NO: S-104,776 - DISCLOSURE NO: 006097-P022
DOE CASE NO: S-104,777 - DISCLOSURE NO: 006097-P017
UNDER NREL SUBCONTRACT NO: ZAM-7-13320-26
UNDER PRIME CONTRACT DE-AC36-83CH10093**

Thank you for the copies of the above-identified patent applications that were filed in the United States Patent and Trademark Office. The above DOE docket numbers have been assigned to the applications and needs to be referred to in all future correspondence. Accordingly, the effective date for the implementation of the advance waiver, W(A) 97-029 -CH-0930 is April 27, 2004. We remind you that the patent provisions of the contract require with some limited exceptions:

1. that you notify us of any decision not to continue to prosecute a patent application on the invention in any country and that the Government has certain rights of ownership in such applications;
2. that you include within the specification of the U.S. patent application the following statement:

"This Invention was made with Government support under NREL Subcontract No. ZAM-7-13320-26, Prime Contract DE-AC36-83CH10093 awarded by the Department of Energy. The government has certain rights in this invention."
3. that you complete and execute the enclosed confirmatory license for each U.S. patent application filed on the above invention. The completed and executed confirmatory license is to be forwarded in duplicate to this office for approval and recording in the United States Patent and Trademark Office; and,
4. that you provide us with a copy of the issued patent when granted..

Dr. Ralph Blakemore

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May 11, 2004

Note that the U.S. Government has certain rights in your inventions and your contract provides that you may adversely affect your title in the inventions if you do not comply with the terms of the contract. If you have any questions concerning this matter, Please do not hesitate to contact us at 630-252-2166.

Sincerely,

Thomas G. Anderson
Assistant Chief Counsel
Intellectual Property Law Division

Enclosure
as stated

cc: Thomas S. Ferrill, - w/o encl
Blakely, Sokoloff, Taylor & Zafman LLP